

are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

§112, first paragraph, Rejections - Claims 9, 11, 12, 14, 18, 19, 23, 24, 26, and 27

The Examiner rejects claims 9, 11, 12, 14, 19, 23, 24, 26, and 27 under 35 U.S.C. § 112, first paragraph for the reasons set forth on page 2 of the present Office Action. Specifically, the Examiner alleges, in part:

Claims 9, 11-12, 14, 18-19, 23-24, 26-27 requires a “wavelength modulation means”. However, the specification and drawing do not provide any specific detail to teach a “wavelength modulation means” and how it relates to the invention. Without such detail description, the disclosure does not enable a person of ordinary [skill] to make and use the claimed invention.

In response, as previously argued in the Amendment dated October 6, 2003, Applicant submits that one skilled in the art would understand how the types of modulation recited in the claims are implemented in the invention, and therefore Applicant submits that the specification complies with the enablement requirement. That is, at least upon reviewing the specification at least on page 7, line 12 through page 8, line 8 and using the knowledge in the art, one skilled in the art would be enabled to make and/or use the claimed invention. Further, Applicant points out that a copy of §1.4.2 of the AGRAWAL text book “Fiber-optic Communication Systems”, was previously submitted, and Applicant submits that the submitted section of the AGRAWAL textbook, which represents common knowledge in the art, demonstrates that one skilled in the art would be enabled to make and/or use the invention. Yet further, Applicant submits that the AGRAWAL textbook reflects that which was known in the art prior to the priority date of the present invention. Therefore, at least based on the arguments presented in the previous

amendment and the arguments proposed above, Applicant submits that the subject matter as set forth in the claims are described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Yet further, the Examiner also alleges that, "The specification as originally filed does not provide support for the additional submitted drawings (Figs. 3-5). Therefore, the newly added figures 3-5 are not accepted." In response, Applicant acknowledges that the specification does not explicitly refer to the components shown in Figures 3-5, which were submitted with the previous Amendment. However, at least for the reasons set forth above, Applicant submits that these new figures do not contain any new subject matter that was not at least an implicit aspect of the originally filed specification, and Applicant submits that one skilled in the art would recognize this much. Further, Applicant submits that new figures 3-5 were submitted, in part, so that the Examiner would understand and recognize that wavelength modulation, phase modulation, and injection current of the laser, as described in the claims, are known in the art and therefore one skilled in the art would have been enabled to make and/or use the invention, as claimed.

§103(a) Rejections (Ohta/Atlas) - Claims 9, 11-13, 16, 18-20, 23, 24, 26, and 27

The Examiner rejects claims 9, 11-13, 16, 18-20, 23, 24, 26 and 27 over Ohta in view of Atlas for the reasons set forth on pages 3 and 4 of the present Office Action.

Applicant elects to perfects priority under 35 U.S.C. § 119, and respectfully requests removal of Atlas as a prior art reference. Atlas has a filing date of November 13, 1997, which is after the filing date of French Application No. 9710841 (September 1, 1997), from which the

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO.: 09/297,382

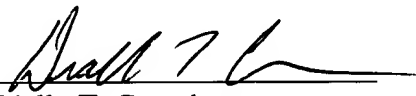
ATTORNEY DOCKET NO. Q53893

present application claims benefit of priority. To perfect priority, Applicant submits an English-language translation of French Application No. 9710841, a copy of which was submitted on April 30, 1999, and a statement that the translation of the French Application No. 9710841, is accurate.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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Date: July 6, 2004